

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.288 OF 1996
WITH
CROSS OBJECTION NO.24560 OF 2008

The State of Maharashtra ..Appellant.

Versus

Shankar Ramchandra Pathak
& Ors. ..Respondents.

Mrs.A.A. Mane, A.G.P. For the Appellant.
Mr.Sachin Gite for the Respondents.

CORAM : B.H. MARLAPALLE AND
S.J. VAZIFDAR, JJ.

DATED : 23RD JUNE, 2009

P.C. :-

The learned A.G.P. has placed before us a copy of the common judgment dated 31.1.2008 rendered by the First Court, thereby deciding a group of Appeals arising from the land acquisition for the CIDCO project at Nashik, as per the notification issued under section 4 of the Land Acquisition Act, 1894 dated 30.8.1981.

2. There were in all 457 First Appeals/Cross Objections, filed before this Court and most of them have been decided by the said common judgment dated 31.1.2008. But, First Appeal No.288 of 1996

alongwith Cross-Objection therein, remained to be decided.

3. By the said judgment, the market rate of the land acquired was fixed at Rs.58.80 per sq. mtr. and Rs.53.55 per sq. mtr. for the developed (advantageous group) and undeveloped (other than advantageous group) lands respectively.

4. For the reasons stated in the common judgment dated 31.1.2008, the Appeal filed by the State Government i.e. First Appeal No.288 of 1996 stands dismissed and the Cross-Objection filed by the Claimant, is partly allowed and the market rate of the land acquired is fixed at Rs.58.80 per sq. mtr. (advantageous group) and Rs.53.55 per sq. mtr. (other than advantageous group) respectively.

5. The Claimants would be entitled to the extra benefit under section 23(1A) of the Act from 1.4.1992 till the date of the award i.e. 12.2.1986 and, in addition, they shall also be entitled to the benefit of section 28 of the said Act.

6. Parties to bear their own costs.

(S.J. VAZIFDAR, J.)

(B.H. MARLAPALLE, J.)